

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOESEPH SOUTHWELL and JERRY  
BLAND.

## Plaintiffs,

V.

MORTGAGE INVESTORS  
CORPORATION OF OHIO, INC.,

Defendant.

CASE NO. C13-1289 MJP

ORDER ON JOINT SUBMISSION  
RE PLAINTIFFS' MOTION TO  
EXTEND DISCOVERY CUT-OFF  
DEADLINE

THIS MATTER comes before the Court on the LCR 37 Joint Motion regarding

Plaintiffs' motion to extend the discovery cut-off deadline. (Dkt. No. 127.) Having reviewed the Joint Motion and all related papers, the Court hereby DENIES Plaintiff's motion to extend the discovery cut-off deadline, but allows Plaintiffs leave to bring a motion after that deadline if it is based on a privilege log produced near that deadline.

“A schedule may be modified only for good cause and with the judge’s consent.” LCR

16(b)(4). Plaintiffs argue the discovery cut-off should be moved because Defendant has not identified which documents are responsive to which discovery requests (Dkt. No. 127 at 5–6).

1 but as the Court has previously noted, Defendant is not required to do make such identifications  
2 if it has elected to produce documents as they are kept in the usual course of business. (See Dkt.  
3 No. 116.) Plaintiff also contends it will not be able to challenge documents wrongly withheld on  
4 the basis of privilege if Defendant does not produce its privilege log until the final days of  
5 discovery. (Dkt. No. 127 at 6.) The Court agrees with this limited point and therefore permits  
6 Plaintiff to file one motion in LCR 37 form if it is based on a privilege log supplied near the  
7 discovery cut-off deadline within ten (10) days of this Order.

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9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated this 23rd day of May, 2014.

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Marsha J. Pechman  
United States District Judge